

TEACHER TENURE: ILLINOIS SCHOOL BOARD PRESIDENTS’ PERSPECTIVES AND SUGGESTIONS FOR IMPROVEMENT

Introduction

For nearly five decades, improving the quality of public education has been a focus of local, state, and federal educational priorities. As evidence of flat or declining student achievement mounted and national reports such as *A Nation at Risk* highlighted the perceived deficiencies of our United States public education system, more and more questions began to be raised about the quality of public schools (Green, 2001; Senge et al., 2000). In response to these concerns, myriad diverse educational initiatives were developed to address particular perceived needs. For example, during the 1950s and 1960s educators responded to calls for improvement with such highly visible programs as “hands-on” versus textbook-driven science programs, increased emphasis on mathematics including the introduction of “new math,” and an array of compensatory education programs geared toward underachieving students (Beyer & Johnson, 2005; Kilpatrick, 1997; Unger, 2001). From the 1970s through the 1990s, multiple reform efforts surged onto the national education agenda including criterion referenced and back-to-basics curricula, differentiated instruction, expanded faculty collaboration in decision making, state student assessment programs including learning standards and high stakes testing, and much more (Hunt, 2005; Danielson & McGreal, 2000; Fullen, 1993). While several initiatives were relatively short lived, others continued to evolve. One of the most prominent examples of this evolutionary process was the 2001 reauthorization of the original Elementary and Secondary Education Act of 1965, re-titled No Child Left Behind (NCLB).

NCLB marks an important turning point in public education governance. Rather than merely recognizing the responsibility and authority for school improvement at the local school board and state levels as had been tradition, federal officials asserted themselves squarely in the educational improvement process by linking federal funding to increased student achievement. By expecting that student assessment measures be aligned with individual state-identified content area standards and tied to mandated student performance levels with graduated penalties for failure to meet them, the federal government signaled a more direct role in educational improvement efforts (Beyer & Johnson, 2005).

In addition to the student achievement provisions, an equally important centerpiece of NCLB is its focus on teacher qualifications. Since current educational researchers have confirmed a link between effective teachers and increased student achievement (Tucker & Stronge, 2005; Stronge, 2002; Marzano, Pickering, & Pollock, 2001; Fullen, 2001; Danielson & McGreal, 2000), one of the most important NCLB requirements may ultimately be mandating that school districts employ “highly qualified” teachers: those who earn bachelor’s degrees, are fully certified, and prove subject area competence (Mosley, 2006; Beyer & Johnson,

2005). If, as recent research has indicated, teacher quality truly accounts for a significant portion of the difference between high and low achieving students, the hiring and retention of the most effective teachers and the dismissal of poor performers may be two of the most crucial decisions school administrators and boards of education make (Stronge, 2002).

Yet, how much autonomy do school administrators and boards of education have to make these important decisions? The reality is that, throughout the United States, they often face substantial obstacles to implement effective teacher evaluation and dismissal, particularly with faculty members who are perceived as mediocre or below average performers. These obstacles include state teacher tenure laws, collective bargaining agreements, and teacher unions that typically resist most attempts to dismiss teachers. In fact, school administrators who are primarily responsible for leading the school-level improvement process identify teacher unions and state tenure laws as significant impediments to bringing about productive change (Kersten & Israel, 2005). This disconnect between school district leadership and teacher unions over teacher tenure laws, particularly in light of mounting evidence that the employment of effective teachers makes a real difference in student achievement, is a concern for the educational community.

This article reports on a study of Illinois school board presidents' perspectives on teacher tenure. It begins with a historical overview of the development of teacher tenure from its roots in the 1880s civil service legislation through the establishment of teacher tenure in the United States to an examination of current teacher tenure laws and issues in Illinois. After establishing this historical context, the article describes the results of a research survey of 118 school board presidents regarding eleven key tenure issues linked to both the historical basis for tenure and current literature. It also summarizes their suggestions for modifying the current Illinois tenure law.

Historical Background

In order to examine how the school leadership and teacher union disconnect evolved, an understanding of teacher tenure and its historical development in the United States is helpful. A substantial portion of the historical background for this study was drawn from Huvare's 1997 comprehensive, archival study of teacher tenure in Illinois.

Definitions

Tenure. The authority for teacher tenure resides with individual states and is typically codified in state law. Although it varies from state to state, tenure can be defined as a continuing contract that "...bestows a property right to employment in the district until the employee retires, resigns, dies, is terminated, or agrees to a change in contract status" (Stader, 2007, p. 245). If tenure is a constitutionally guaranteed property right, tenured teachers cannot be arbitrarily dismissed and must be provided due process (Ellis,

2005; ECS, 1999). In addition, not only are boards of education responsible for proving that a teacher dismissal is warranted, they are also required to provide substantial evidence. Because of these requirements, dismissing a tenured teacher, particularly one who is merely a below average performer, is quite complex (Stader, 2007; Kemerer & Crain, 2005).

Below average teacher performance. As McGreal (1983) pointed out when discussing the assessment of teacher performance, “The complexity of the measurement problems prevents any definition of success or effectiveness at an empirical level” (p. viii). For purposes of this study, below average or mediocre teachers are defined as faculty members whom stakeholders perceive to be performing below a satisfactory level but not poor enough to be dismissed under the present tenure law. Although this definition is perception-based rather than empirical, it reflects the common perception among many Illinois stakeholders.

History of Teacher Tenure

Since the founding of our nation, the linking of political party affiliation and favoritism was a common practice. A member of a sitting political party would often offer employment to friends and supporters. Such patronage positions were a natural part of the political spoils system. However, as patronage system abuses mounted, so did public dissatisfaction. As a consequence, in the early 1880s Ohio Senator George H. Pendleton established the National Civil Service League which worked for passage of the Pendleton Act in 1883. This legislation created the United States civil service system designed to employ and retain employees on merit rather than party affiliation and political favoritism. Although this legislation did not include state employees such as public school teachers, it did lay the foundation for future teacher tenure laws. (Huvaere, 1997)

As the rights and responsibilities of civil servants were being debated nationally, similar measures were also suggested for public school educators. In 1885, the National Education Association (NEA) proposed extending civil service protections to teachers in the form of tenure. A year later, the NEA formed the Committee on Salaries, Tenure, and Pensions to not only examine the tenure issue but also directly advocate for tenure legislation. Their efforts kept the discussion of employment protection on the national policy agenda. (Huvaere, 1997)

With growing support for legal protections for teachers, New Jersey passed the first teacher tenure law in the United States in 1909 (ECS, 1999). The arguments surrounding this legislation ultimately framed future teacher tenure discussions in other states. Many of these arguments are as much a part of today’s tenure dialogue as they were then. Proponents in New Jersey made the case for tenure legislation by arguing that its passage would:

- Attract more qualified and effective teachers
- Increase the efficient operation of school districts

- Make teaching more attractive by providing teachers with increased political and economic security
- Eliminate political favoritism in hiring and dismissal

Those in opposition were primarily concerned that tenure would limit the dismissal of poor performing educators. (Huvaere, 1997)

Even though the passage of this legislation was a significant step toward expanded teacher employment protections, it would be many years before tenure laws would become prevalent. In fact, it was not until the mid-1940s that approximately 70% of teachers across the country were protected by some form of tenure (NEA Alaska, 2005). By the mid-1950s, this figure had grown to over 80% (NEA Alaska, 2005). Today, nearly every state and the District of Columbia have some form of teacher employment protection whether it is based substantially on state tenure laws or tied to due process rights (ECS, 1999; Chapman, 1998).

The importance of historical events in Chicago as an impetus for tenure in the 1900s cannot be overlooked. As friction grew between the Chicago Board of Education and the Chicago Federation of Teachers, a political and legal battle ensued. After a series of perceived arbitrary teacher dismissals tied to an authoritarian district administration, an unbending school board, and anti-union sentiment, Illinois passed the 1917 Otis Bill which provided Chicago teachers with tenure protections after three years of employment. This bill, though, was designed exclusively for Chicago since it only applied to school districts with at least 100,000 inhabitants. It would be many years before tenure legislation for all Illinois public school teachers would become law. (Huvaere, 1997)

As the Depression impacted people's lives in the 1930s, many lost their employment or saw their incomes drop substantially. For some Illinois educators, this economic downturn led to increased instances of arbitrary dismissal. It was not unusual for school boards to terminate teachers and replace them with relatives, friends, and supporters during these harsh economic times. These actions helped fuel support for those arguing that Illinois teacher tenure protection should be extended state-wide. The Illinois Education Association (IEA), a state affiliate of the NEA, made this a top priority and pressed for increased job security particularly in response to ongoing arbitrary dismissals. (Huvaere, 1997)

As support built for some type of job protection legislation, Illinois passed its first statewide teacher tenure law in 1941 entitled The Act to Establish and Maintain a System of Free Schools. It provided full-time teachers who had completed two years of consecutive service in a single school district with continuous contract protection including due process. Similar to the New Jersey legislation, proponents in Illinois argued that the law was necessary to:

- Eliminate arbitrary dismissals and annual employee at-will contracts
- Protect the property and liberty rights of teachers
- Improve instruction

- Increase the efficiency of the system

Opponents worried that such a law would lead to life-time employment and severely limit the dismissal of poor performing teachers. (Huvaere, 1997)

Since its inception in 1941, the Illinois teacher tenure law has undergone several substantial changes (Burkey, 2004). The two most recent revisions, in 1985 and 1997, emerged in response to the primary concern that had already been posed during debate on the initial legislation: how to dismiss ineffective teachers. A report by the Illinois State Board of Education prior to the 1985 legislation showed that an average of only three tenured teachers had been dismissed for incompetence annually during the previous nine years (Reeder, 2005c). Of course, it should not be assumed that low teacher dismissal rates and lower than desired student achievement mean that teachers are necessarily poor or ineffective. These low teacher dismissal rates may reflect the effect of the Illinois teacher tenure law rather than actual teacher performance. In any case, when these data were coupled with general public dissatisfaction over the perception that school boards were unable to dismiss tenured teachers, the issue caught the attention of state legislators (Reeder, 2005a).

Illinois legislators responded by amending the tenure law in 1985 to include, among other provisions, an expanded teacher remediation process designed to provide increased flexibility in the dismissal of ineffective teachers. Under this legislation teachers who had been rated as unsatisfactory and failed to satisfy a specific remediation plan were subject to dismissal. Although the addition of this provision appeared to increase the ability of school boards to terminate poor performers, the reality was that it did not. Since school boards were still required to provide extensive documentation of ineffective teaching performance, the change proved more cosmetic than substantive (Reeder, 2005a). Research data subsequent to the 1985 legislation showed that annually an average of just one out of every 930 Illinois tenured teachers was placed on remediation. Furthermore, in the past eighteen years, 61 remediation cases have proceeded to the state hearing officer level with only 39 dismissals (Reeder, 2005a).

As political pressure to re-examine the Illinois teacher tenure law continued to mount, legislators responded in 1997 by extending the number of years required to earn tenure from two to four. Although this change provided boards of education with more time to evaluate a probationary teacher's performance, it did not address the issue of dismissal of ineffective tenured teachers.

Since 1997, calls for further changes in tenure have continued. A recent state-wide analysis of Illinois tenure dismissals showed that very few teachers are ever dismissed for incompetence. Consider the following data from Reeder (2005a):

- Only 2 out of 95,500 Illinois tenured teachers are terminated annually for poor performance
- Just 17% of school districts have rated a teacher unsatisfactorily since the 1985 legislation

- Only 7% of the nearly 900 Illinois school districts have attempted to terminate a tenured teacher since the 1985 legislation

A similar level of concern has been echoed in other states as well. A recent study of tenure teacher dismissals in New Jersey showed that not one of the 10,000 teachers in Bergen County had been terminated through the tenure-hearing process in the past decade (Kremen, 2006). In California, the governor supported the Putting Kids First Act that revised the state teacher tenure law in part to expedite the dismissal of ineffective teachers (IGS, 2006). In New York, a legislator said, “Our tenure laws protect ineffective and unmotivated teachers and administrators. Removing a tenured employee from his or her position is so difficult, expensive and time-consuming that for all intents, it is impossible” (Chapman, 1998, p. 2).

Although much of the public discussion has centered on the perceived problems with teacher job protection, organizations such as the American Federation of Teachers (AFT) and the National Education Association (NEA) and their state affiliates, which represent most K–12 public school teachers in the United States, have a much different view. The President of the Illinois Education Association (IEA) said that the inability to terminate a teacher is nothing more than an urban myth (Reeder, 2005b). In fact, the Illinois Federation of Teacher’s President said that the reason so few teachers are terminated is that so few need to be. He further noted that tenured teacher dismissal data are misleading because they do not include those faculty members who resign prior to dismissal (Students First Illinois, 2005).

The NEA–Alaska (2005) summarized the teacher union/association position on tenure. They argued that state teacher tenure laws:

- Do not protect teachers from dismissal but rather guarantee an impartial hearing that ensures teacher due process rights
- Protect effective teachers from dismissal and replacement by less qualified, politically-connected new teachers
- Protect the academic freedom of teachers, which allows them to discuss a wide range of perspectives and encourages a free exchange of ideas
- Allow teachers to exercise their professional judgment rather than teach in lockstep
- Provide the security to take instructional risks that may lead to school improvement and ultimately increased student achievement
- Let teachers maintain high student performance expectations without fear of retribution
- Encourage administrators to develop faculty members rather simply dismiss them
- Are not responsible for ineffective teachers; rather poor evaluation processes and inadequate administrator evaluation practices are the cause

The AFT agrees that ineffective evaluation processes and lack of thorough teacher evaluation by administrators are the real culprits (Shanker, 1996). The Illinois Federation of Teachers notes that the responsibility to complete accurate and comprehensive teacher evaluations belongs to administrators (Dougherty, 2005). They point out that Illinois law requires administrators to complete specific training in teacher supervision including identification of teacher deficiencies and strategies to help faculty members improve their effectiveness. From their perspective, the four-year probationary period in Illinois is adequate to determine a faculty member's effectiveness. If at some future point an administrator believes a dismissal is warranted, the tenure law provides a well-defined, objective teacher dismissal process without eroding important due process rights.

As the debate over state teacher tenure laws continues, school and political leaders appear to have very different perspectives from those of teacher unions/associations on the efficacy of teacher tenure. What is particularly interesting is that the same arguments initially posed in support of and in opposition to the first state tenure laws are as central to today's discussions as they were then. However, as educators face increasing demands to improve schools and student achievement, they cannot ignore the tenure issue. Rather, it is essential to recognize the differences between the positions of school leaders and teacher unions/associations and to explore ways to find some common ground that may help to close this gap.

Problems and Purposes

As the efficacy of teacher tenure has become an increasingly visible issue, a better understanding of how various stakeholders view teacher tenure may provide valuable insights toward finding some common ground between boards of education and teacher organizations. For years much of the teacher tenure discussion has centered on opponents describing the problems associated with tenure and proponents stressing the need for job protection. The proponents have argued that poor administration and a lack of trust between district leadership and teacher organizations, not tenure laws, help to sustain this gap in perspectives (Kersten & Israel, 2005; Dougherty, 2005). This research study seeks to understand how one group of stakeholders, Illinois school board presidents, perceives the relevance of teacher tenure today. It also seeks to identify school board presidents' suggestions for revising the present Illinois teacher tenure law. School board presidents were selected for this study to gather their unique perspectives. Data from the study may be particularly useful in designing additional studies focused on other stakeholders including teacher union/association representatives. Results may also prove helpful to those presently responding to the concerns of tenure proponents and opponents alike.

Over the years, several issues have framed the tenure debate. This study seeks to understand the perceptions of current Illinois school board presidents regarding these key tenure issues through the following questions:

- Would the elimination of teacher tenure affect arbitrary teacher dismissal?
- Is the present teacher tenure law the primary reason that below average teachers are not dismissed?
- Are teacher evaluation processes a significant factor in the retention of below average teachers?
- Are poor teacher evaluation practices by school administrators a significant factor in the retention of below average teachers?
- Does the teacher tenure law hamper administrative supervision of teachers?
- Would the elimination of tenure affect teachers' academic freedom?
- Is the Illinois teacher tenure law an impediment to school improvement and increased student achievement?
- Would teachers be more responsive to stakeholders if tenure was eliminated?
- Does teacher tenure hurt the professional image of teachers?

Finally, since school board presidents (a) are included in the educational improvement process, (b) affirm personnel recommendations from the administration, (c) are often active in the collective bargaining process, and (d) have an understanding of how tenure relates to the school district's operation, their insights into recommended changes in Illinois teacher tenure laws may be useful for school leaders and teachers alike. Consequently, this study seeks to identify their recommendations through the following question: What suggestions, if any, would you offer if you had the authority to change the present teacher tenure law in Illinois?

The Research Study

Context

Illinois is a state divided into 873 school districts configured as K–8 elementary, 9–12 high school, or K–12 unit districts serving 2,111,706 students in 110 counties, with most governed by an elected seven member school board (ISBE, 2006; Ruiz & Dunn, 2005). School district enrollments range from very small districts such as Nelson Elementary School District 8 in Lee County, which enrolls 32 students, to Chicago School District 299, which serves 426,812 students (ISBE, 2005).

This study, conducted from February through July 2006, surveyed 291 school board presidents randomly assigned to the research sample from all Illinois school board presidents except that of Chicago Public School District 299 (McMillan & Wergin, 2006). Since school board members in Chicago are appointed by the mayor rather than elected and somewhat removed from day-to-day operational issues of their school dis-

trict, its president was excluded from the study. School board presidents, rather than general board members, were chosen since they are typically elected from more experienced members and may have broader, richer perspectives than novice board members.

Method

Participants. A simple random sample was chosen for this study to achieve efficiency in data collection. “The keys to good sampling are finding a way to give all (or nearly all) population members the same (or a known) chance of being selected, and to use probability methods for choosing the sample” (Fowler, 2002, p. 5). Since all school board presidents but that of Chicago School District 299 were included in the process, the likelihood that the sample is representative of the population is high. Of the 873 Illinois school board presidents, 291 (33%) were sent a survey. From these, 118 were returned complete, representing a 40.5% response rate. From those completed, 50 were from K–8 (elementary), 8 from 9–12 (high school), and 60 from K–12 (unit) presidents. These represented 62 rural, 4 urban, and 52 suburban districts. The range of school board experience was 1–28 years with a median experience level of 9 years.

Questionnaire. An 11-item, self-administered questionnaire was developed and tested with a focus group of former and current school board presidents and school administrators. After refining the instrument and procedures, the questionnaire (see Appendix) was approved by the Roosevelt University Institutional Review Board (IRB). Survey items were developed based on the historical issues linked to state tenure laws and teacher tenure literature. In the first section of the survey, school board presidents were asked to provide demographic data including their district organization (K–8, 9–12, or K–12), district type (urban, suburban, or rural), years of school board experience, and district enrollment.

In the second section, school board presidents were asked to rate their perceptions on eleven key tenure issues drawn from the literature on a scale of 1 through 5 with 1 strongly agree, 2 agree, 3 no basis for judgment, 4 disagree, and 5 strongly disagree. In addition to their perception ratings, they were asked to provide comments for each item to enrich their responses. The final section included one open-ended question. Participants were asked to suggest changes they would make to the present Illinois teacher tenure law if they had the authority to do so.

Data collection. A modification of Dillman’s (2000) Tailored Design Method and Fowler’s (2002) Survey Research Method was used to collect data. Each participant was mailed a cover letter, questionnaire, and a self-addressed stamped envelope. Both the email address and phone number of the researcher were provided if any clarification was needed.

Data analysis. All quantitative survey data were entered in Microsoft Excel 2002 for analysis. Frequencies and percentages were used to describe close-ended survey responses. Qualitative data were analyzed for specific trends within categories (Maxwell, 1996). Through inductive

analysis (McMillan & Wergin, 2006) “data are gathered first and synthesized inductively for understanding. Conclusions are grounded from the bottom up” (p. 94). In the results section, any distinct differences by school district organization, type, enrollment, or the experience level of the school board presidents are described.

Through data reduction, conclusion creation, and triangulation, specific trends and conclusions were identified (Berkowitz, 1997). Only after data were analyzed independently by the researcher and another professor of educational administration were data-generated themes identified. While this does not guarantee reliability and validity, it does provide “dependable results” (Guba & Lincoln, 1981, p. 146) that can be replicated and retested to further increase reliability and validity (Merriam, 1988).

Results

For each of the eleven survey items, results represent all participants. School board presidents’ comments are reported as a percentage of total responses for each item rather than a percentage of total respondents. The higher the percentage, the more often it was identified by those who commented. For those items that showed significant differences after inter-data analysis based on demographic factors, these differences are noted. However, no significant differences due to school district size were evident.

A substantial majority of school board presidents (65%) either agreed or strongly agreed that teacher tenure protects good teachers from arbitrary dismissal (see Table 1). Of the 28 school board presidents who commented, 39% indicated that even though tenure does provide substantial job protection, effective teachers do not need legal protection. They noted that school boards actually seek to retain effective teachers and believe that the existing school board governance structure already provides adequate job protection. Other presidents who commented noted that tenure prevents school districts from hiring higher performers (18%) and protects below average teachers (14%).

Table 1

Teacher Tenure Law Protects Effective Teachers From Arbitrary Dismissal

Response	Responses of Board Presidents
Strongly agree	13%
Agree	52%
No basis for judgment	5%
Disagree	20%
Strongly disagree	10%

A substantial majority of school board presidents (91%) either agreed or strongly agreed that tenure inhibits the dismissal of below average teachers (see Table 2). Interestingly, this was the only item on which

every participant rated the item. In addition, over 90% of participant comments focused on difficulties related to dismissing below average teachers. Seventy-five percent of the 24 participant comments also indicated that once below average teachers are tenured, it is virtually impossible to dismiss them. Some pointed out that teacher evaluation processes are cumbersome (13%). Others commented that poor evaluation processes or administrative implementation are factors (8%).

Table 2

Teacher Tenure Law Inhibits the Dismissal of Below Average Teachers

Response	Responses of Board Presidents
Strongly agree	56%
Agree	35%
No basis for judgment	0%
Disagree	7%
Strongly disagree	2%

Most presidents (60%) perceived that the tenure law does not promote fair evaluations (see Table 3). Most often, commenting respondents (19) said that tenured teacher evaluations are meaningless (37%). Another 25% of them said that tenure is not a factor in fair evaluations while others made the point that evaluation should be fair whether a teacher is tenured or non-tenured (16%).

Table 3

Teacher Tenure Law Promotes Fair Evaluations

Response	Responses of Board Presidents
Strongly agree	2%
Agree	19%
No basis for judgment	19%
Disagree	53%
Strongly disagree	7%

Although 63% of participants believed that tenure hampers administrative supervision, a sizeable percentage (34%) disagreed (see Table 4). Fourteen participants expanded their responses with comments. Of these, 61% noted that unions, more than tenure, “tie administrators’ hands.” In contrast, 20% said that ineffective administration not tenure is the cause of poor supervision. An interesting finding was that 47% of school board presidents with ten or more years of experience pointed to poor administration as the primary factor as opposed to only 24% of those with five years or less and 29% with 6–10 years experience.

Table 4*Teacher Tenure Law Hampers Administrative Supervision of Teachers*

Response	Responses of Board Presidents
Strongly agree	13%
Agree	50%
No basis for judgment	3%
Disagree	33%
Strongly disagree	1%

One of the enduring arguments in support of tenure is that it protects teachers' academic freedom (NEA Alaska, 2005). When participants were asked whether tenure ensures academic freedom, more than half the participants (56%) disagreed, which suggests that academic freedom is less relevant today (see Table 5). In their 17 comments, 41% noted that state standards and NCLB requirements already limit teacher autonomy. Others pointed out that academic freedom is more clearly a factor at the university level (41%).

Table 5*Teacher Tenure Law Ensures that Teachers Have Academic Freedom*

Response	Responses of Board Presidents
Strongly agree	3%
Agree	17%
No basis for judgment	24%
Disagree	46%
Strongly disagree	10%

One of the most often mentioned concerns of tenure opponents is that it can be a roadblock to educational reform including that focused on increasing student achievement (Kersten & Israel, 2005; Huvaere, 1997). The fear is that once they earn tenure, teachers will resist change and be unresponsive to school administrators, boards of education, and other stakeholders. Sixty-six percent of school board presidents agree that tenure is an obstacle to reform (see Table 6).

In their explanatory comments, two-thirds of the 15 commenting participants identified tenure as a roadblock (33%) or partial roadblock (33%). Yet, nearly as many school board presidents (29%) reported unions to be another obstacle. Interestingly, 80% of school board presidents with five or fewer years experience listed tenure as an obstacle as opposed to 57% of those with six years or more.

Table 6*Teacher Tenure Law Is a Roadblock to Educational Reform*

Response	Responses of Board Presidents
Strongly agree	25%
Agree	41%
No basis for judgment	11%
Disagree	21%
Strongly disagree	2%

Nearly four of every five respondents (79%) reported that tenure does not promote increased teacher responsiveness (see Table 7). Of their 10 comments, 60% referred to tenure as a disincentive to teacher responsiveness with an additional 20% indicating that some teachers are only responsive until tenured.

Table 7*Teacher Tenure Law Promotes Teacher Responsiveness to Stakeholders*

Response	Responses of Board Presidents
Strongly agree	1%
Agree	9%
No basis for judgment	11%
Disagree	55%
Strongly disagree	24%

Although more than half (51%) of the school board presidents believe that eliminating tenure in Illinois would increase student achievement, only 9% feel strongly about this (see Table 8). A substantial number (29%) have no basis for judgment, while another 20% either disagreed or strongly disagreed. This diversity of perception and lack of strong agreement may reflect a level of indecision regarding the relationship of tenure to student achievement. It may even indicate that tenure is not, in the eyes of these respondents, a primary barrier to student achievement.

Furthermore, specific subgroup differences were evident. Thirty-eight percent of high school district presidents disagreed or strongly disagreed that eliminating tenure would increase student achievement while only 19% of unit and 20% of elementary district board presidents responded similarly. While overall 29% of respondents indicated no basis for judgment, there were significant differences in no-basis-for-judgment response rates between presidents with six to ten years experience (15%) and those with the most (40%) and least (37%) experience.

In explaining their responses, school board presidents provided 18 comments. Of these, 61% of the respondents noted that without tenure, teachers would become more highly motivated faculty members. Howev-

er, some were not as confident. In fact, 28% attributed a lack of higher student achievement to other factors, including lack of parental involvement and low student motivation, rather than to tenure.

Table 8

Eliminating Teacher Tenure Would Increase Student Achievement

Response	Responses of Board Presidents
Strongly agree	9%
Agree	42%
No basis for judgment	29%
Disagree	12%
Strongly disagree	8%

School board presidents were split on the relationship between teacher evaluation processes and the dismissal of ineffective teachers (see Table 9). When explaining their ratings, 75% of the 20 school board presidents who commented noted that improving teacher evaluation processes would have little or no effect on teacher dismissal rates under the current tenure law. Rather, teacher attitudes toward evaluation, union intervention, effectiveness of evaluations, and the difficulty in dismissing tenured teachers were cited as more critical factors.

Table 9

If Teacher Evaluation Processes Were More Effective, the Teacher Tenure Law Would Have Little Effect on the Dismissal of Ineffective Teachers

Response	Responses of Board Presidents
Strongly agree	5%
Agree	38%
No basis for judgment	10%
Disagree	33%
Strongly disagree	14%

Even though 60% of all school board presidents did not link the retention of below average teachers with ineffective teacher evaluation, a third believed that with stronger evaluation practices, even under the present tenure law, ineffective teachers could be dismissed (see Table 10).

In their 19 comments, 32% of respondents indicated that it is not evaluation but rather legal restrictions, time consuming evaluation processes, and costs associated with dismissal that are the key issues. In contrast, 21% of these board presidents believed that frequent, complete, and accurate evaluations would have an impact on their ability to dismiss teachers.

Table 10

Poor Administrator Evaluation of Teachers, not the Teacher Tenure Law, is Responsible for the Retention of Below Average Tenured Teachers

Response	Responses of Board Presidents
Strongly agree	10%
Agree	23%
No basis for judgment	7%
Disagree	41%
Strongly disagree	19%

A large majority (88%) of school board presidents reported that the teacher tenure law has a negative effect on the image of teachers (see Table 11). Ninety-five percent of their 22 comments associated tenure with a poor professional image, lifetime employment regardless of performance, and a union mentality.

Table 11

Teacher Tenure Law Has No Effect on the Image of Teachers

Response	Responses of Board Presidents
Strongly agree	2%
Agree	5%
No basis for judgment	5%
Disagree	62%
Strongly disagree	26%

Finally, school board presidents were asked to suggest changes, if any, they would make to the present tenure law if they had the authority. Suggestions were offered by 75% of the respondents. Although the most common recommendation (48%) was to eliminate tenure in Illinois, this may reflect more on respondents' overall concerns with tenure rather than any realistic or politically viable action. On the other hand, 40% of school board presidents offered possible modifications to the present teacher tenure law, some of which may be useful in bridging the gap between school boards who seek greater flexibility to dismiss ineffective teachers and teacher unions/association who want to ensure adequate job protections and due process.

Of the 40% of school board presidents who made feasible suggestions to modify the current Illinois teacher tenure law, the most frequently mentioned were:

- Provide tenure for only a specified number of years after which it becomes renewable (36%)

- Provide an option to return teachers judged underperforming to probationary status (21%)
- Increase the number of years to earn tenure (14%)
- Alter the present remediation process to make it less restrictive (14%)
- Add a non-biased team review step for any teacher rated unsatisfactory (7%)

Limitations

This survey was distributed to a random sample of Illinois school board presidents except that of Chicago School District 299. Even though the response rate exceeded 40%, caution must be exercised when drawing conclusions from the data, especially since their views represented 13% of the study population. Since only school board presidents were included, generalization can only be validly applied to this sample. Replication of this study with a broader base of Illinois school board members as well as the nation as a whole may make the transfer of these findings more possible. Also, although participant responses may be inconsistent and therefore limiting, continual feedback and data triangulation were used to minimize discrepancies (Denzin, 1989; Miles & Huberman, 1994). In addition, since the survey employed perception versus empirical-based terminology to define teacher performance, a follow-up survey with more precise terminology is recommended. Finally, since the study included leading questions, additional research is recommended in which respondents select teacher tenure as more or less significant than other factors from a set of possible causes for low student achievement.

Discussion

This study was designed to understand school board presidents' perceptions of teacher tenure issues today. It also sought to identify possible tenure law modifications that might open the dialogue among policy-makers, state legislators, school board members, teacher union leaders, and school administrators as they consider not only the efficacy of the present tenure law but also how to improve schools and increase student achievement.

Results of the survey indicate that teacher tenure is a continuing concern for presidents of boards of education. Data suggest that the historical tenure issues that drove the New Jersey legislation in 1907 (Huvaere, 1997) are, for the most part, still perceived as relevant.

Although a majority (65%) of school board presidents believe that tenure provides strong job protection for effective teachers, even more (91%) of them are concerned that the law blocks their ability to dismiss marginal teachers. Data imply that these school board presidents wish they had more autonomy to replace below average teachers with highly effec-

tive faculty members. A substantial number of presidents (75% of the 24 who commented) accept mediocre teacher performance because they think tenured teachers cannot be dismissed. At the same time, 39% of the 28 who commented question whether teacher tenure is really needed to achieve job security. Rather these school board presidents said that effective teachers are more secure than they believe and would in fact be well protected by the school board governance process even without tenure.

While over 90% of respondents indicate that tenure inhibits the dismissal of below average teachers, 21% contend that either more effective teacher evaluation processes or more thorough teacher evaluation by administrators could lead to increased dismissals of ineffective teachers. Data indicate that a number of presidents (37% of the 19 who wrote comments) perceive that their school districts' teacher evaluation processes are meaningless and question whether administrators want to do what is necessary to make teacher evaluation useful. This perception aligns with teacher union leaders who contend that poor evaluation practices by administrators, not tenure per se, lead to extremely low teacher dismissal rates (Shanker, 1996). In contrast, almost two-thirds (63%) of school board presidents believe that tenure hampers administrative supervision, some of them citing teacher unions as the main obstacle. This highlights the ongoing perception gap that separates school boards from teacher organizations.

Unlike supervision and performance issues, most school board presidents (at least 56%) see the issue of academic freedom as almost irrelevant. This is probably because opportunities to exhibit academic freedom have been minimized by both state and federal governments through the standards movement, high stakes testing, and legislation such as NCLB (Beyer & Johnson, 2005).

As school accountability requirements have grown and calls for educational improvement have increased, 66% of the school board presidents surveyed see tenure as a roadblock to change. Some of them commented that unions/associations will block reform efforts because they have no external incentive to change. However, another 23% disagreed or strongly disagreed that tenure is a roadblock to reform and attributed flat student performance levels to other factors such as parents and student motivation rather than tenure. These varied perceptions may indicate that some school board presidents indeed have confidence that teachers will work for educational improvement and increased student achievement regardless of tenure status. Even so, a majority (88%) of school board presidents perceive that tenure hurts the image of teachers, with some identifying unions as contributors to this image problem. Their beliefs underscore the level of distrust that often exists between both school district and teacher union leadership.

Finally, since the elimination of the Illinois teacher tenure law is not likely imminent or politically feasible, a more productive approach may be to encourage a collaborative dialogue among the multiple stakeholders. Perhaps school board presidents' suggestions for modifying the present Illinois teacher tenure law (listed above) provide a starting point to

bring school boards and teacher unions/associations closer together while stimulating productive dialogue. This may lead to collaboration instead of ongoing conflict and polarization.

Summary

Teacher tenure remains as controversial an issue as it was when it was first explored in the early 1900s. Study data show that school board presidents generally share many of the same concerns that tenure opponents did decades ago. This study has also helped to clarify and explain school board presidents' views on many critical tenure-related issues. The suggestions for revisions of the tenure law may prove particularly useful to policymakers and public school educators who examine teacher tenure in the future. Additional research designed to understand the perceptions of unions/associations and other educational stakeholders on these same research questions is necessary to open a systematic, productive statewide dialogue on tenure.

References

- Berkowitz, S. (1997). Analyzing qualitative data. In J. Frechtling & L. Sharp (Eds.), *User friendly handbook for mixed methods evaluations* (pp. 4–22). Arlington, VA: National Science Foundation.
- Beyer, B. M., & Johnson, E. S. (2005). *Special programs & services in schools: Creating options, meeting needs*. Lancaster, PA: Pro Active Publications.
- Burkey, J. D. (2004). The political forces behind the creation of and subsequent changes to teacher tenure law in Illinois. (Doctoral dissertation, University of Illinois at Urbana-Champaign, 2004). *Dissertation Abstracts International*, 65(11) 4134. (AAT 3153257)
- Chapman, M. (1998). *Unions defend bad teachers' tenure at students' expense*. Retrieved June 8, 2006, from <http://wakingbear.com/teetcher.htm>
- Danielson, C., & McGreal, T. (2000). *Teacher evaluation to enhance professional practice*. Alexandria, VA: Association for Supervision and Curriculum Development.
- Denzin, N. K. (1989). *The research act: A theoretical introduction to sociological methods* (4th ed.). Burr Ridge, IL: McGraw-Hill.
- Dillman, D. A. (2000). *Mail and internet surveys: The tailored design method* (2nd ed.). New York: Wiley.
- Dougherty, J. (2005, Dec 9). *IFT president sets the record straight on tenure*. Retrieved May 2, 2006, from <http://www.ift-aft.org/index.php?tray=contentsuppressed&doc=884&tid=top2>
- Educational Commission of the States (ECS). (1999). *Teacher tenure/continuing contract laws: Updated for 1998*. Retrieved November 1, 2006, from <http://www.ecs.org/clearinghouse/14/41/1441.htm>

- Ellis, T. I. (1984). *Dismissing incompetent teachers*. Retrieved January 1, 2006, from http://eric.ed.gov/ERICDocs/data/ericdocs2/content_storage_01/0000000b/80/2a/08/80.pdf
- Fowler, F. J., Jr. (2002). *Survey research methods* (3rd ed.). Thousand Oaks, CA: Sage.
- Fullen, M. (1993). *Change forces*. Philadelphia, PA: Falmer Press.
- Fullen, M. (2001). *Leading in a culture of change*. San Francisco: Jossey-Bass.
- Green, R. L. (2001). *Practicing the art of leadership: A problem-based approach to implementing ISLLC standards*. Upper Saddle River, NJ: Merrill/Prentice-Hall.
- Guba, E. G., & Lincoln, Y. S. (1981). *Effective evaluation*. San Francisco: Jossey-Bass.
- Hunt, T. C. (2005). Educational reforms: Lessons from history. *Phi Delta Kappan*, 87(1), 84–89.
- Huvare, D. J. (1997). Tenure for Illinois teachers: An analysis of the philosophical arguments surrounding the adoption of the 1941 Tenure law for public school teachers in the state of Illinois. (Doctoral dissertation, Loyola University Chicago, 1997). *Dissertation Abstracts International*, 58 (03), 777. (AAT 9726387)
- Institute of Governmental Studies (IGS). (2006). Retrieved January 20, 2006, from <http://www.igs.berkeley.edu/library/htTeacherTenure.html>
- Illinois State Board of Education (ISBE). (2005). *Directory of school districts*. Springfield, IL: Author. Available from http://www.isbe.net/research/xis/dir_ed_entities06.xls
- Illinois State Board of Education (ISBE). (2006). *Data analysis and progress reports*. Springfield, IL: Author. Available from http://www.isbe.net/research/pdfs/quickstats_05-06.pdf
- Kemerer, F. R., & Crain, J. A. (2005). *The documentation handbook* (3rd ed.). Denton, TX: Texas School Administrators' Legal Digest.
- Kersten, T. A., & Israel, M. S. (2005). Teacher evaluation: Principals' insights and suggestions for improvement. *Planning and Changing*, 36(1/2), 47–67.
- Kilpatrick, J. (1997). Confronting reform. *The American Mathematical Monthly*, 104(10), 955–962.
- Kremen, M. (2006). *Tenure helps good teachers and shelters the bad ones*. Retrieved July 25, 2006, from <http://northjersey.com/page.php?qstr=eXJpbnk3ZjcxN2Y3dnFIZUVFeXkyJmZYmVsN2Y3dnFIZUVFeXk2OTYzMjk4>
- Marzano, R. J., Pickering, D. J., & Pollock, J. E. (2001). *Classroom instruction that works*. Alexandria, VA: Association for Supervision and Curriculum Development.
- Maxwell, J. A. (1996). *Qualitative research design: An interactive approach*. Thousand Oaks, CA: Sage.
- McGreal, T. L. (1983). *Successful teacher evaluation*. Alexandria, VA: Association for Supervision and Curriculum Development.
- McMillan, J. H., & Wergin, J. F. (2006). *Understanding and evaluating educational research* (3rd ed.). Upper Saddle River, NJ: Pearson.

- Merriam, S. B. (1988). *Case study research in education: A qualitative approach*. San Francisco: Jossey-Bass.
- Miles, M. M., & Huberman, A. M. (1994). *Qualitative data analysis*. Thousand Oaks, CA: Sage.
- Mosley, S. (2006). Assignment: Define 'highly qualified,' outline school board role. *The Illinois School Board Journal*, 74(4), 10–13, 29.
- National Education Association (NEA) Alaska. (2005). *Teacher tenure: Frequently asked question*. Retrieved November 1, 2006, from http://www.ak.nea.org/formembers/tenure_faq.htm
- Reeder, S. (2005a). *Remediation falls short of '85 legislative intent*. Retrieved February 8, 2006, from <http://thehiddencostsoftenure.com/stories/?prcss=display&id=266545>
- Reeder, S. (2005b). *Teacher unions' clout keeps tenure strong*. Retrieved February 8, 2006, from <http://thehiddencostsoftenure.com/stories/?prcss=display&id=266548>
- Reeder, S. (2005c). *'Diplomacy' undermines teacher evaluations*. Retrieved February 8, 2006, from <http://thehiddencostsoftenure.com/stories/?prcss=display&id=266561>
- Ruiz, J. H., & Dunn, R. J. (2005). *Educator supply and demand in Illinois: 2005 annual report*. Springfield, IL: Illinois State Board of Education.
- Senge, P., Cabron-McCabe, N., Lucsu, T., Smith, B., Dutton, J., & Kelineer, A. (2000). *Schools that learn: A fifth discipline fieldbook for educators, parents, and everyone who cares about education*. New York: Warner Books.
- Shanker, A. (1996). The wrong target. Retrieved May 2, 2006, from <http://www/aft.org/presscenter/speeches-columns/www/1996/091596.htm>
- Stader, D. L. (2007). *Law and ethics in educational leadership*. Upper Saddle, NJ: Pearson Education.
- Stronge, J. H. (2002). *Qualities of effective teachers*. Alexandria, VA: Association for Supervision and Curriculum Development.
- Students First Illinois. (2005). *Tenure teachers rarely fired in Illinois*. Retrieved December 5, 2005, from <http://www.studentsfirst.us/printer/article.asp?c=171107>
- Tucker, P. D., & Stronge, J. H. (2005). *Linking teacher evaluation and student learning*. Alexandria, VA: Association for Supervision and Curriculum Development.
- Unger, H. (Ed.). (2001). *The encyclopedia of American education* (2nd ed., Vol. 2). New York: Facts on File.

Thomas A. Kersten is an Assistant Professor in the Department of Educational Leadership at Roosevelt University, Schaumburg, Illinois.

Appendix

Teacher Tenure Survey ©Kersten 2006

Demographic Data

District organization: ___ Elementary K–8 ___ High School 9–12 ___ Unit K–12

District type: ___ Urban ___ Suburban ___ Rural

Experience: Total years as a school board member including current year: ___

District enrollment: ___ Less than 1,000 ___ 1,000 – 3,999 ___ 4,000 or more

Part I: Teacher Tenure Issues

Please rate each of the following teacher tenure-related issues by circling the number on the scale following each question and add comments to expand on your response:

1. The teacher tenure law protects good teachers from arbitrary dismissals.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

2. The teacher tenure law inhibits the dismissal of below average teachers.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

3. The teacher tenure law promotes fair evaluations.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

4. The teacher tenure law hampers administrative supervision of teachers.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

5. The teacher tenure law ensures that teachers have academic freedom.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

6. The teacher tenure law is a roadblock to educational reform.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

7. The teacher tenure law promotes teacher responsiveness to stakeholders.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

8. The elimination of the teacher tenure law would lead to an increase in student achievement.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

9. If teacher evaluation processes were more effective, the teacher tenure law would have little effect on the dismissal of ineffective teachers.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

10. Poor administrator evaluation of teachers, rather than the teacher tenure law, is responsible for the retention of below average tenured teachers.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

11. The teacher tenure law has no effect on the image of teachers.

1	2	3	4	5
Strongly	Agree	No basis for judgment	Disagree	Strongly disagree

Comments:

Part II: Additional Information

If you had the authority to change the present tenure law in Illinois, what suggestions, if any, would you offer?

Thank you for your assistance.